

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

ANNE PELLICANO,

Case No.: 2:23-cv-14411-AMC

Plaintiff,

vs.

LIFE INSURANCE COMPANY OF NORTH AMERICA,

Defendant.

JOINT SCHEDULING REPORT

Pursuant to the Court's Order Requiring Joint Scheduling Report and Proposed Scheduling ORDER, the parties conferred on February 8, 2024 to develop the following scheduling report and order as required by Federal Rule of Civil Procedure 26(f) and Southern District of Florida Local Rule 16.1. Attending for each party were:

1. Estefania Echeverry, Esq. for Plaintiff
2. Shari Gerson, Esq. for Defendant

Written Discovery Plan

The parties have developed the following written discovery plan pursuant to the factors set forth in Federal Rule of Civil Procedure 26(f):

- (A) Changes that should be made in the timing, form, or requirement for disclosure under Rule 26(a), including a statement of when initial disclosures were made or will be made.

Plaintiff has brought this lawsuit under 502(a)(1)(b) of ERISA and the parties agree that this matter should be limited to a review of the Administrative Record, unless there is information that was not disclosed by Defendant in the Administrative Record and is essential to litigate the instant case. In that event, the parties will make efforts to resolve any disputes informally before seeking court intervention. Plaintiff reserves the right to conduct

discovery.

- (B) The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues.

N/A.

- (C) Any issues about disclosure, discovery or preservation of electronically stored information, including the form or forms in which it should be produced.

N/A.

- (D) Any issues about claims of privilege or of protection as trial preparation materials, including – if the parties agree on a procedure to assert these claims after production – whether to ask the Court to include in their agreement an order under Federal Rule of Evidence 502.

N/A.

- (E) Changes that should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed.

None.

- (F) Any other order that the Court should issue under 26(c) or under Rule 16(b) and (c).

None.

Scheduling Report

- (A) The likelihood of settlement: **The likelihood of settlement is unknown at this time, though the parties agree to make a good faith effort to consider settlement of this matter.**

- (B) The likelihood of appearance in the action of additional parties

The parties do not believe appearance by additional parties is likely.

- (C) Proposed limits on the time:

- i. To select a mediator and schedule a time, date and place for mediation:

May 24, 2024

- ii. To join other parties and to amend the pleadings: **May 31, 2024**
- iii. To disclose the identity of all expert witnesses and provide all disclosures required by Federal Rule of Civil Procedure 26(b)(2)(B): **N/A.**
- iv. To provide the identity of any rebuttal expert witnesses and their disclosures required by Federal Rule of Civil Procedure 26(b)(2)(B): **N/A.**
- v. Deadline for completing mediation: **October 14, 2024**
- vi. To file and hear pre-trial motions: **November 29, 2024.**
- vii. To complete discovery: **N/A.**

(D) Proposals for the formulation and simplification of issues, including the elimination of frivolous claims or defenses, and the number and timing of motions for summary judgment or partial summary judgment;

The parties will work together to streamline the issues to discuss simplification of claims and defenses.

(E) The necessity or desirability of amendments to the pleadings.

The parties do not anticipate amending pleadings at this time.

(F) The possibility of obtaining admissions of fact and of documents, electronically stored information or things which would avoid unnecessary proof, stipulations regarding authenticity of documents, electronically stored information or things, and the need for advance rulings from the Court on admissibility of evidence;

N/A.

(G) Suggestions for the avoidance of unnecessary proof and of cumulative evidence;

The parties will attempt to reach pre-trial stipulations.

(H) Suggestions on the advisability of referring matters to a Magistrate Judge or master.

None at this time.

(I) A preliminary estimate of the time required for trial.

As Plaintiff has brought this claim under 502(a)(1)(b) of ERISA, there should not be a traditional trial and the matter, if not settled, will likely be resolved by cross motions for summary judgment.

(J) Requested date or dates for conferences before trial, a final pre-trial conference and trial.

The parties request that the trial begin on January 31, 2025.

(K) Any issues about (i) disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced; (ii) claims of privilege or of protection as trial preparation materials, including-if the parties agree on a procedure to assert those claims after production – whether to ask the court to include in their agreement in an order under Federal Rule of Evidence 502; and whether the parties have agreed to use ESI checklist available on the Court’s website (www.flsd.uscourts.gov), matters enumerated on the ESI checklist.

N/A.

(L) Any other information that might be helpful to the Court in setting the case for status or pretrial conference.

None at this time

Respectfully submitted,
February 8, 2024.

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